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8 UNITED STATES DISTRICT COURT
9 NORTHERN DISTRICT OF CALIFORNIA
10 SAN FRANCISCO DIVISION
11

12 PLUSTEK INC.,

13 Plaintiff,

14 vs.

15 SYSCAN, INC.,

16 Defendants.
17

CASE NO. C 07-05718 JL

**PLAINTIFF'S MOTION TO CONTINUE
THE INITIAL CASE MANAGEMENT
CONFERENCE**

On November 9, 2007, Plaintiff Plustek Inc. filed a Complaint for Declaratory Judgment (“Complaint”; *see* Dkt. No. 1). Plaintiff filed a motion (*see* Dkt. No. 5) on February 15, 2008 requesting for a continuance of the Initial Case Management Conference so that the parties could continue their settlement discussions. The Court has granted Plaintiff’s motion, and continued the Initial Case Management Conference until May 21, 2008. *See* Dkt. No. 7.

After attending a mediation session on March 14, 2008, the parties partially agreed to terms for a settlement.¹ *See* the Declaration of Sang N. Dang In Support of Plaintiff’s Motion to Continue the Initial Case Management Conference (the “Dang Decl.”), ¶ 5, Exhibit C. After the mediation session on March 14, 2008, the parties have engaged in further discussions following, and have agreed to the principle terms of the settlement. *See* Dang Decl., ¶ 6. However, the parties need additional time to prepare and finalize a settlement agreement.

Accordingly, Plaintiff respectfully requests the Court to continue the Initial Case Management Conference as well as other related deadlines for sixty (60) days so that the parties could prepare and finalize the settlement agreement to resolve the current litigation without wasting the Court’s valuable time and resources.

Defendant Syscan, Inc. has indicated that it would not oppose Plaintiff’s Motion to Continue the Initial Case Management Conference. *See* Dang Decl., ¶ 7, Exhibit D.

DATED: May 13, 2008

ORION LAW GROUP,
A PROFESSIONAL LAW CORPORATION

By _____ /s/ Sang N. Dang
Sang N. Dang
Attorneys for Plaintiff
PLUSTEK INC.

¹ At the mediation session of March 14, 2008, the parties discussed settlement of the current litigation as well as a related litigation (Case No. C07-01603 JW MED) pending in the San Jose Division of the Northern District of California. The mediation session of March 14, 2008 was the third mediation session that the parties have attended in their efforts to settle their disputes. *See* Dang Decl., ¶2, ¶¶ 3 - 5, Exhibits A, B, and C.

PROOF OF SERVICE

I am a resident of the State of California, over the age of eighteen years, and not a party to the within action. My business address is Orion Law Group, A Professional Law Corporation, 3 Hutton Centre Drive, Suite 850, Santa Ana, California 92707. On May 13, 2008, I served the original of the within documents:

PLAINTIFF'S MOTION TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE

DECLARATION OF SANG N. DANG IN SUPPORT OF PLAINTIFF'S MOTION TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE

[PROPOSED] ORDER GRANTING PLAINTIFF'S MOTION TO CONTINUE THE INITIAL CASE MANAGEMENT CONFERENCE

X Electronically, I caused said documents to be transmitted using ECF as specified by General Order No. 45 to the parties set forth below.

by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Santa Ana, California, addressed as set forth below.

by placing the document(s) listed above in a sealed envelope, with the overnight delivery charge prepaid, addressed as set forth below, and deposited in a box or facility regularly maintained by the overnight delivery service carrier, _____.

by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.

Yung Ming Chou, Esq.
39111 Paseo Padre Parkway, Suite 207
Fremont, CA 94538
Email: chouyung@aol.com

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.

I declare that I am employed in the office of a member of the bar of this court at whose direction the service was made.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on May 13, 2008.

/s/ Vy H. Vu
Vy H. Vu